

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

BOBBY WADE,

Defendant.

Case No. 15-cr-0458 EJD (NC)

DETENTION ORDER

Hearing: 4/18/2023

In accordance with the Bail Reform Act, 18 U.S.C. § 3142, the Court on April 18, 2023, held a hearing to determine detention or release on supervisory conditions for defendant Bobby Wade. Wade is charged in this case with violating the terms of his supervised release. Specifically, the Amended Petition filed April 13, 2023, alleges that there is probable cause to believe that the accused committed a state crime on February 22, 2023, of rape by force/fear; robbery; and false imprisonment with violence; that he violated the condition that he refrain from the unlawful use of a controlled substance; and that he violated the condition that he not possess a controlled substance. Wade's underlying federal criminal conviction was for unlawful possession of a firearm by a felon. The

1 accused appeared at the hearing with his counsel Aaron Shnider, with all parties appearing
2 in person in the courtroom.

3 Under Fed. R. Crim. P. 32.1(a)(6) and 18 U.S.C. §3143(a), the defendant charged
4 with violation of supervised release has the burden of establishing by “clear and convincing
5 evidence” that he or she will not flee or pose a danger to any other person or to the
6 community. Here, Wade did not establish evidence to overcome the burden that he is a
7 danger to any other person (the crime victim identified by the prosecution) or to the
8 community generally. (The Court will file under seal the 2 investigative records offered as
9 exhibits at the detention hearing: A Report of Investigation from the DOJ; and a Vallejo
10 Police Department crime report). The Court considered a proposal from Wade of electronic
11 monitoring from his residence. The Prosecution and Probation each recommended
12 detention. Ultimately, Wade’s recent and poor performance while on community
13 supervision, including the charged violent conduct and multiple positive drug tests in
14 November 2022 to January 2023, lead the Court to conclude that no combination of
15 conditions may presently be imposed that would mitigate the risks of danger.
16 Consequently, the Court orders the defendant Bobby Wade to be detained. Both a
17 preliminary hearing and a status hearing are scheduled for May 1, 2023.

18 The defendant is committed to the custody of the Attorney General or his designated
19 representative for confinement in a corrections facility separate, to the extent practicable,
20 from persons awaiting or serving sentences or being held in custody pending appeal. The
21 defendant must be afforded a reasonable opportunity for private consultation with defense
22 counsel. On order of a court of the United States or on the request of an attorney for the
23 Government, the person in charge of the corrections facility must deliver the defendant to a
24 United States Marshal for the purpose of an appearance in connection with a court
25 proceeding.

26 IT IS SO ORDERED.

27 Date: April 18, 2023



28 Nathanael M. Cousins
United States Magistrate Judge